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SUBJECT: ALIVE AND WELL: PROFILES OF TRADITIONAL
CHIEFTAINCY IN RURAL NIGER

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SUMMARY

[1](#)1. During recent travel Poloff examined the role of traditional chiefs in Niger. Characterized since colonialism by a highly-centralized state that often undercut traditional rulers, Niger has recently embraced a system of political decentralization based on democratically elected local governments. While on paper, these "commune" governments have taken over some of the functions of the chiefs and the central government administrators, the reality is more complex. While chiefs are agents of the state, government control over the chiefs varies in practice, as do chiefs' conceptions of their role. Chiefs often dominate the locally elected commune governments, and are in a position to dictate their success or failure. Chiefs usually enjoy more popular support than local or national politicians. Their presence can make local democracy awkward in practice. Their role vis-a-vis modern judicial and governmental institutions invites criticism from the secular civil society. Yet, in the world's least developed country, where better than eighty percent of the people live in rural areas, traditional chiefs remain a major source of authority for most Nigeriens. While some chiefs complicate efforts to promote democracy and the rule of law, the institution serves as a break on radical Islam, a viable mechanism for cross-border and local conflict resolution, and an essential -- if often un-tapped -- partner and guide for development interventions. END SUMMARY

"DIRECT RULE" AND CHIEFS' LEGITIMACY
IN COLONIAL AND POST-COLONIAL NIGER

[1](#)2. Colonial resistance to the French was organized by chiefs (like Amadou Kourandaga, Sultan of Damagaram) and noblemen (like Kaocin of Agadez), who are still heroes in contemporary Niger. Unlike the British in Nigeria, the French followed conquest with a system of direct rule that reduced traditional rulers to implementing agents of the state. The French also developed clear lines of authority (and physical borders) between chiefs via a cascading system of responsibility. At the summit of Nigerien chieftaincy are the Sultans of Damagaram (Zinder) and the Air (pronounced "aye-air"), or Agadez. In Maradi and Dosso Regions, the highest chiefs are the Provincial chiefs of Gobir and Katsina (Maradi), and Dosso. Below Sultans and Province Chiefs are Canton Chiefs. At the lowest level are village and urban

"neighborhood" chiefs (reftel A). Under French rule, Nigerien chiefs collected taxes and meted out local justice, but at the behest of French Prefects and Governors. The French policy of subordinating chiefs to civil administrators, changing boundaries between traditional kingdoms and cantons, and deposing resistant chiefs in favor of docile or French-speaking candidates weakened chieftaincy as an institution and lessened popular reverence for it.

13. In an important departure from colonial policy, independent Niger has largely allowed local communities and noblemen to select chiefs for themselves via a quasi-democratic mechanism described reftel (A). Consequently, the quality of individual chiefs is often high, and the institution's legitimacy has re-bounded since the colonial period. Otherwise, the Nigerien state has retained the centralized character of its colonial predecessor, and seems to allow traditional rulers less autonomy, on paper, than neighboring Nigeria does. Niger's chiefs answer to the Ministry of the Interior, which supervises their election and provides them with a modest subsidy. Their role in tax collection, dispute resolution, Islamic civil law disputes, and the local administration of justice is governed by the law and by the local Prefect. Since the election of new commune councils in 2004, many chiefs have surrendered their tax collection authority to municipal tax assessors and collectors known as *receveurs*, though in communities without *receveurs*, chiefs still perform this role. Represented on local councils by *ex-officio* members (usually close relatives or other members of the court) Niger's chiefs have a modest formal voice in local governance, tax policy, and development planning. While chiefs' formal authorities are circumscribed by law, their informal role is often much greater in practice, and gives them authority over many of the most important issues facing ordinary Nigeriens.

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THE SULTAN OF ZINDER AND CONFLICT
RESOLUTION

14. In rural Niger, farmer / herder disputes are the principal source of deadly conflict. Since 2004, more than seventy Nigeriens have been killed in such conflicts, more than in any other type of civil disturbance. While these disputes often assume an ethnic dimension (Hausa or Djerma farmers vs. Fulani herders) they also divide farmers and pastoralists of the same community. Most Nigerien farmers live within 100 miles of the Nigeria border, and these conflicts often pit nationals of one state against the other. Instances of farmer / herder conflict are among the most important issues facing Niger's chiefs, and one which they are uniquely equipped to resolve.

15. While traditional rulers may refer any case to civil courts, the courts' poor reputation among ordinary Nigeriens (who are also inhibited by a sense of shame from bringing a personal or village level dispute before a formal court) means that most seek the chief's intervention first. In Zinder Region judges have to travel widely in rural areas to resolve property and land conflicts but the GON does not provide them with gas money. Judges either seek gas money and other support from litigants or refrain from "riding circuit" at all. Aside from his legitimacy in the eyes of ordinary people, the chief offers expeditious, free justice based on a code derived from Islam and African tradition that most people can intuitively understand and accept. Misapprehensions about modern law and courts, the expense and difficulty of hiring a lawyer (none maintain a permanent presence outside of Niamey; notwithstanding the presence of a Court of Appeals in Zinder, the city has no lawyers), and habit all support the traditional system of chiefly justice.

16. The Sultan of Zinder's docket is an especially prominent

and busy venue for conflict resolution. On any given day the Sultan may hear five cases. Excluding farmer / herder conflicts, these include land-tenure disputes (often the most difficult to untangle), inheritance, marriage and divorce issues, and disputes between neighbors. Such are the daily conflicts of most Nigeriens. Sultan Mahamadou Moustapha of Zinder, a former gendarme, has recently mediated some sensitive disputes. In a May 9 meeting with the Sultan's court, Emboffs heard details of a dispute between nomadic Arabs and Toubous. Both groups need to be handled with care. Nomadic Arabs faced expulsion from Niger in 2006, as the GON sought to respond to local aggravation over their assertion of grazing rights (reftel B). Toubous conducted a rebellion against the GON in the 1990s. Both groups have reason to be wary of Nigerien justice, but both were willing to accept mediation by the Sultan.

¶7. The Sultan brought chiefs from the two communities together and negotiated a solution over time. All signed off with a Koranic oath, and conflict between the two groups has since been averted. The Sultan's court described his jurisprudence as a blend of Shari'a, Koranic insights, and common sense. While such an informal system may not yield consistent rulings, it has the advantage of flexibility and community acceptance.

¶8. As part of his response to cross-border farmer / herder conflicts, the Sultan of Zinder has revived traditional relationships with royal neighbors to the south. The Sultan maintains "ambassadors" at the royal courts of Kano and Daura. These contacts enable traditional rulers to mediate cross-border disputes informally, without a time-consuming process of referral to their countries' respective capitals. Locals seek and accept this form of organic justice. The Nigerien state, which authorizes traditional rulers to maintain such "foreign relations" seems to agree.

¶9. The Sultan of Zinder goes on the radio once a week with a broadcast that addresses conflict resolution and avoidance. Targeting the Hausas of southern Zinder region (the historical region of "Damagaram," where the Zinder Sultans ruled), the program is supported by the GON's rural radio network. It therefore takes its place alongside other content that the GON regards as essential for rural audiences: Koranic readings, proceedings of local commune councils, weather and crop information, and health messages. Recognizing the Sultan's hold on the popular imagination, the GON gives him the space to address community conflict issues as only he can.

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PARTY POLITICS AND THE CHIEF:
CASE OF THE TOUNTOUMA OF KANTCHE

¶10. Chiefs' power to resolve conflicts and manage civil disputes derives from their legitimacy among ordinary Nigeriens, but there are factors that undercut that legitimacy. Aside from the institutional constraints imposed on chiefs by the GON, which have largely been assimilated and diffused over time, political discord over the manner of chiefs' selection and allegations of corruption taint some chiefs' rule.

¶11. After the 2004 death of Amadaou Issaka, Canton Chief of Kantche since 1954, two of his sons were among the candidates to the throne. Abdoul Kadre, a twenty-something, and his older brother were both contenders, though the latter had overwhelming popular support and was seen as the prospective chief. Abdoul Kadre, however, was supported by his uncle Alma Oumarou, a rich businessman and ruling party heavyweight in Niamey. Alma allegedly used his political influence on behalf of Abdoul Kadre. He was said to have purchased the votes of most of the village chiefs that made up the electoral college

to secure his nephew's victory. The "Kantche street" erupted after Abdoul Kadre was proclaimed chief. It took several weeks and intervention by GON security forces to restore order. Apparently, due to a lack of popular support, the chief has difficulties in asserting his authority over the collection of taxes and vis-a-vis the local council. During a May 12 meeting with Poloff, the young chief complained about the "politicization" of the local population, in an audience chamber strangely devoid of courtiers. The controversy in Kantche underscores the importance of the chieftaincy to both ordinary and elite Nigeriens, but also the ways in which this venerated institution can be corrupted.

CIVIL SOCIETY CRITICISM OF
CHIEFS

¶12. Situations like the one in Kantche fuel a critique of chieftaincy by Niger's small but vocal secular civil society. In meetings with the Zinder and Maradi representatives of Nigerien human rights NGO ANDDH, Poloff heard some representative civil society critiques of traditional leadership.

¶13. Citing a "culture of impunity" around traditional authorities, a Zinder ANDDH contact stressed the potential for legal abuses by chiefs. Traditional chiefs, he alleged, do as they please and meet out traditional justice without any legal oversight, even going so far as to throw people in jail for sorcery in towns like Magaria and Goure. Chiefs, he alleged, will often respond to local farmers' demands by kicking nomads out of grazing areas. Some chiefs still act like independent rulers rather than agents of the state. They expropriate land and take a percentage of the tax revenues that they are charged with collecting. When chiefs make decisions at variance with the law, Prefects and the Ministry of the Interior often fail to correct them.

¶14. In Magaria, a border town south of Zinder, Poloff met three rural commune mayors. They noted that early on in the process of decentralization the local chiefs had caused real problems for the newly elected council. Interpreting the process as an assault on their traditional prerogatives the chiefs withheld the revenue they collected (as is often the case for rural communes, these communities lacked receveurs) and mobilized popular resistance to the council. Once the Prefect of Magaria intervened, things changed. The Prefect helped the chiefs to understand the process, their new role in it, and the GON's commitment to it. All three mayors argued that this intervention had helped. The village chiefs have learned to cooperate with the councils and are surrendering the tax money. In some other cases, things have not worked out so well. In the city of Agadez, an elected mayor was removed from power by the council after he incurred the wrath of the Sultan. Significantly, that mayor had also lost the support of his regional Governor.

¶15. In Maradi, an ANDDH contact spoke of chiefs' chauvinism and their tendency to ignore the GON's rural code in favor of traditional judgment. He claimed that even highly educated and modern "intellectual" among the chiefs routinely dispensed whatever justice they saw fit, using Islamic

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jurisprudence and their own discretion. Their conciliation efforts, while successful, likewise ignored the stipulations of the rural code. In many cases, the ANDDH rep argued, chiefs were well aware of what the code said, but simply declined to implement it. He criticized a prominent local chief -- the Province Chief of Gobir -- for refusing to accept the extension of Maradi's public water system to his suburban seat. The chief's refusal was allegedly based on his "province's" historical rivalry with the traditional province from which the water would come.

THE UN-RECONSTRUCTED CHIEF:
HISTORY AND POLITICS WITH THE
SERKIN GOBIR

¶16. If there is one chief in Poloff's experience who ascribes to the traditionalist world-view that elicits the ire of civil society activists, it is the Serkin Gobir of Maradi region -- he of the municipal water rivalry. A well-educated Francophone and former sales manager for Niamey's Toyota dealership, the Honorable Abdou Bala Marafa appears a "modern" Nigerien. Yet, even though he has only been on the throne since 1998, he speaks with as much traditionalist conviction as someone who never left the sanctum of the chief's palace. The Serkin Gobir is one of Niger's three "Province" chiefs; the prominence of his house is suggested by the fact that its seat is a village known only as "Serkin Hausa," (Hausa king). His status affords him suzerainty over a number of subsidiary canton and village chiefs in Maradi and Tahoua regions.

¶17. At the outset of his meeting with Poloff on May 13, the Serkin Gobir launched into a long recitation of the history of Ousmane Dan Fodio, the early 19th century Fulani cleric and "jihadist" who founded the Sokoto Caliphate. Two-hundred years on, this chief still expressed indignation that Dan Fodio, who had grown up in Gobir, had launched a crusade against its royal house and those of surrounding kingdoms. "He didn't have the right to call his political war a 'jihad'," argued Marafa, "it was fraud, lies!" He criticized Dan Fodio's efforts to impose a strict, textualist version of the faith on Hausaland. The chief noted that Hausas had always favored moderate Islam, and that his province was still a bastion of tolerance. "We were pushed around by Dan Fodio and that is why we are secular today; secular and tolerant." The chief noted that different Islamic orders were competing for the right to place their Imam in a large new mosque near the chief's palace. Asserting that he alone had the right to choose who would preach there, the chief said that he would never consent to an Izala Imam (a fundamentalist sect common in Maradi and northern Nigeria). As both a temporal and spiritual leader, Marafa views his role as the preservation of Nigerien Islamic moderation in the face of Nigerian fundamentalism.

¶18. Turning to farmer herder conflict, Marafa questioned the importance of ethnicity in such disputes. He noted that conflicts in Gobir were just as likely to be between Hausas, even Hausa farmers, than between nomadic Fulanis and sedentary Hausas. He has seen many cases where a farmer's livestock run across the field of another farmer. In an ironic contrast to his tirade against Ousmane Dan Fodio some minutes earlier, Marafa noted that "the Hausa / Fulani tensions of Dan Fodio's period are over now." NOTE: Gobir, in southern Maradi, is a comparatively rich and fertile region in which many Hausa farmers are also significant livestock owners -- minimizing the ethnic distinction that usually colors relations between the two groups in Niger. END NOTE.

¶19. Marafa's views on political decentralization, democracy, and the importance of chieftaincy all suggested how deeply even a modern Nigerien could be invested in the concept of chieftaincy and its prerogatives. Noting at the outset of our meeting that he had not been informed of our coming by the local mayor, he claimed cuttingly that communications between his court and the commune government were "problematic." Later, when the elected commune mayor entered the chief's hall, he performed an elaborate sequence of bows and honorifics before submitting to a dressing down by the chief over the protocol slip. "What is decentralization," asked Marafa, "since 1953 there has been a decentralized canton here." Referring to his election by "the nine of Gobir," (a hereditary group of elders believed to have magical powers of divination who serve as an electoral college for the Serkin Gobir), Marafa noted that "we have had democracy here for centuries. It is organic, it works, why change it now." He

noted that at his election in 1998 there were 28 other candidates, including some former GON ministers. He was chosen over older, richer, and more politically powerful candidates. Comparing the durability and desirability of modern and chiefly forms of government, Marafa claimed that even President Tandja would resign his office and move to Gobir to take up the chieftaincy, were he chosen for it.

THE CHIEF AS CIVIL SERVANT:
CASE OF THE SERKIN KATSINA

¶20. Five miles away, at the palace of Marafa's traditional antagonist, the Serkin Katsina, former diplomat turned chief Ali Zaki presented a sharp contrast. He stressed his role as an agent of the state, to the extent of reciting GON talking points about the virtues of President Tandja's "special program," for rural development. Unlike Marafa, Zaki did not affirm a traditional right to regulate religion -- only that actually afforded him by modern laws (reftel C). Above all, he stressed the role that the GON, civil society, and traditional rulers all seem to agree is most essential to the chief -- that of a neutral conflict mediator for the community. To that end, Zaki maintains an "ambassador" at the court of Katsina, Nigeria (formerly part of his kingdom).

¶21. A devoted Francophone (for many years assigned to the International Cultural and Technical Organization, and its successor, the Francophonie, Zaki lived for eight years in Paris) he attributed Niger's successes to the French colonial legacy and system of government. Far from considering himself the final arbiter in civil and religious affairs in his community, he stressed his partnership with local GON officials and support for religious freedom. Just as the Serkin Gobir seems to have over-assimilated his role as a traditional ruler, the Serkin Katsina still seems to relish the role of civil-servant more than the turban and throne.

COMMENT: RECONCILING TRADITIONAL RULE
AND MODERN TIMES; GETING CHIEFTAINCY
RIGHT IN 21st CENTURY NIGER

¶22. With such divergent approaches to the role of chief, it is difficult to generalize about the strengths or weaknesses of traditional leadership in Niger. What is evident, however, is the chiefs' importance in mitigating conflict and enabling local government. Neither task can be easily performed without them. While some appear to have little use for decentralization, others have bought-in once the process and its objectives were made clear to them. Uneven supervision by the local faces of the GON -- the Prefects and Governors who regulate the chiefs -- may be the cause of some of the rulers' habits. While mission contacts argue that some Prefects and Governors are themselves no fans of decentralization, interventions by them have reconciled many chiefs to decentralization, turning them from powerful antagonists to powerful partners. Since French colonial times, central authorities have called the shots for even the most independent of chiefs. If the GON reins in some of the outliers, while respecting ordinary people's belief in traditional chieftaincy, it can help to make a venerated institution work for 21st century Niger.

ALLEN